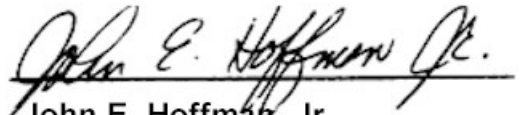


This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: July 01, 2010




John E. Hoffman, Jr.
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re:

JOHN P. WEST and
KELLI AP WEST,

Debtors.

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Case No. 10-54485
Chapter 7
Judge Hoffman

**ORDER DENYING MOTION FOR RELIEF
FROM AUTOMATIC STAY DUE TO
NONCOMPLIANCE WITH RULES**

This matter is before the Court on the motion for relief from stay ("Motion") (Doc. 15) filed by US Bank, N.A. ("Movant") on June 3, 2010.

Having reviewed the Motion, the Court finds that it does not comply with the Local Rules of Bankruptcy Procedure as noted below:

- ☐ LBR Form 4001-1(a) must be attached to a motion for relief from stay that relates to real estate. LBR 4001-1(a)(2). LBR Form 4001-1(a) is not attached to the Motion.

- ☐ Movant shall attach to a motion for relief from stay that relates to real estate a copy of the deed upon which the debtor acquired title to the property, note(s), mortgages, and other evidence of security interests upon which movant bases its secured claim. The deed and mortgage(s) as attached shall be a copy as recorded with the applicable public recording agency and bearing notations evidencing such recordation. LBR 4001–1(a)(2). The required documentation is not attached to the Motion.
- ☐ A motion for relief from stay that relates to a motor vehicle must set forth the value of such motor vehicle based upon a valuation from any recognized used motor vehicle guide or an explanation why such information is not provided. LBR 4001–1(a)(3). The valuation is not set forth in the Motion.
- ☐ A motion for relief from stay that relates to a motor vehicle must set forth the balance claimed due by movant. LBR 4001–1(a)(3). The balance due is not set forth in the Motion.
- ☐ Movant must attach to a motion for relief from stay that relates to a motor vehicle a copy of the certificate of title to the motor vehicle showing notation of any lien thereon evidencing movant’s secured claim and indicating proper perfection under applicable state law. LBR 4001–1(a)(3). A copy of the certificate of title is not attached to the Motion.
- ☐ A motion for relief from stay that relates to personal property other than a motor vehicle must set forth a description of the personal property, the estimated value or the appraised value of the personal property, and the balance claimed due for movant’s secured claim. LBR 4001–1(a)(4). The required information is not set forth in the Motion.
- ☐ Movant must attach to a motion for relief from stay that relates to personal property other than a motor vehicle a copy of the security agreement and/or retail installment contract and, if applicable, copies of financing statements bearing notations of filing with the appropriate public recording agency and indicating proper perfection of such liens under applicable state law. LBR 4001–1(a)(4). The required documentation is not attached to the Motion.
- ☐ Parties who must be served with a motion for relief from stay shall include the parties set forth in LBR 9013–3, any applicable codebtor when relief is sought from the codebtor stay, and all holders of liens or encumbrances known to the movant or scheduled by the debtor on the property concerning which relief is sought. LBR 4001–1(a)(5). The certificate of service accompanying the Motion does not reflect that service was made upon all required parties.
- ☐ A motion for relief from stay must be accompanied by the mandatory notice set forth in Official Form 20A required in LBR 9013-1(a) and shall specify that a failure to file a responsive memorandum on a timely basis may cause the stay to be lifted. LBR 4001–1(a)(6). The Motion is not accompanied by the mandatory notice.

- ☐ A motion for relief from stay or relief from the codebtor stay must be filed separately from and not combined in the same filing with any other request for relief. LBR 4001–1(a)(10). The Motion requests relief in addition to relief from automatic stay.
- ☐ A motion or application shall be accompanied by a memorandum in support. LBR 9013–3(a). The Motion is unaccompanied by a memorandum in support.
- ☐ A motion or application shall be accompanied by a certificate of service in accordance with LBR 9013–3. LBR 9013–1(a). The Motion is unaccompanied by a certificate of service.
- ☐ A certificate of service shall be signed. LBR 9013–3(e). The certificate of service accompanying the Motion is unsigned.
- ☐ A certificate of service shall identify, with specificity, the filing or other paper served. LBR 9013–3(e)(1). The certificate of service accompanying the Motion does not identify the filing or other paper served.
- ☐ A certificate of service shall state the date of service. LBR 9013–3(e)(2). The certificate of service accompanying the Motion is undated.
- ☐ A certificate of service shall state the method of service. LBR 9013–3(e)(2) and (e)(3). The certificate of service accompanying the Motion does not state the method of service.
- ☐ A certificate of service shall identify, by name and address, each entity served. LBR 9013–3(e)(3). The certificate of service accompanying the Motion does not identify, by name and address, each entity served.
- ☐ A motion for relief from stay or relief from the codebtor stay shall be filed separately from and not combined in the same filing with any other request for relief. LBR 4001–1(a)(10). The Motion requests relief from stay and abandonment.
- ☒ Other: While there is evidence that the note was transferred from Colony Mortgage Corporation to U.S. Bank Home Mortgage, there is nothing in the record to reflect an assignment of the note to U.S. Bank, N.A.

The Motion is therefore **DENIED** without prejudice.

IT IS SO ORDERED.

Copies to:

Default List

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